

Delegated Decision Report

Application No:	25/0319	Statutory Expires:	Period 3 rd October 2025
Site:	<i>Kingsway Centre John Frost Square Newport NP20 1ED</i>		
Proposal:	<i>CHANGE OF USE FROM USE CLASS A (RETAIL, LEISURE AND HOSPITALITY) TO USE CLASSES A1, A2, A3, B1, D1 AND D2, FACILITATING RETAIL, ASSEMBLY & LEISURE, HOSPITALITY, NON-RESIDENTIAL, FOOD & DRINK, FINANCIAL AND PROFESSIONAL SERVICES.</i>		
Applicant:	<i>N Leighton-Boyce</i>		
Type:	Full	Ward:	Stow Hill
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 Planning permission was recently granted to change the use of part of the lower ground floor only of the Kingsway Centre from Use Class A1 to Use Classes A1, A2, A3, B1, D1 and D2 (Ref: 24/0644).

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises part of the lower ground floor, ground floor, first floor and roof level of the Kingsway Centre, an existing shopping centre located within the defined City Centre as shown on the Proposals Map that accompanies the Newport Local Development Plan (LDP). In addition, the Proposals Map identifies areas of Secondary Shopping Frontage within the centre. The most recent lawful use of the site was A1 Retail as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended).

2.2 Primary pedestrian access to the shopping centre is available via Commercial Street and John Frost square, and the site is within close proximity to the central bus station. In addition, the centre benefits from a dedicated multi-storey car park, accessible via the A4042. The Kingsway Centre is directly adjoined by key cultural institutions including an art gallery, Newport Central Library and the Newport Museum.

2.3 The site is located within the Town Centre Archaeologically Sensitive Area (ASA), adjacent to but outside of the Town Centre Conservation Area and within close proximity to a number of Listed Buildings.

2.4 The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 (Sea).

3. DESCRIPTION OF DEVELOPMENT

3.1 Following the previously approved application for a change of use of part of the lower ground floor of the Kingsway Centre, it is currently proposed to change the use of the additional space on the lower ground floor, ground floor, first floor and roof level of the premises, with the intention of revitalising the space to create a more vibrant and versatile hub within the city centre.

3.2 The application seeks a change from solely retail (A1) to any use falling within A1 Retail, A2 Financial/Professional Services, A3 Food and Drink, B1 Business/Offices, D1 Non-residential Institutions or D2 Assembly and Leisure.

3.3 In terms of physical alterations, the change of use would take place within the footprint of the Kingsway Centre, with no extensions or external alterations proposed. Internally, there would be no physical alterations to the lower ground, first floor or at roof level. The plans show some minor alterations an area of the ground floor plan, which involve the subdivision of existing units and the addition of public amenity facilities.

3.4 Indicative plans have also been provided for Biodiversity Enhancements at the site, which include pollinator-friendly planting, placed in suitable locations on the roof or elevations of the shopping centre.

4. RELEVANT SITE HISTORY

4.1

Application Number:	Proposal:	Decision:	Decision Date:
24/0644	CHANGE OF USE FROM USE CLASS A1 (RETAIL) TO USE CLASSES A1, A2, A3, B1, D1 AND D2, FACILITATING RETAIL, ASSEMBLY AND LEISURE, HOSPITALITY, FOOD AND DRINK, FINANCIAL AND PROFESSIONAL SERVICES	Granted with Conditions	31/10/2024
07/1037	INSTALLATION OF NEW SHOPFRONTS AND DOORS	Granted	05/11/2007

5. PLANNING POLICY

5.1

The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

- Policy 1 - Where Wales Will Grow
- Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking
- Policy 6 – Town Centre First
- Policy 8 - Flooding
- Policy 9 - Resilient Ecological Networks and Green Infrastructure
- Policy 33 - National Growth Area – Cardiff, Newport and the Valleys

5.2

Planning Policy Wales (Edition 12) 2024

1.2 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

2.3 The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

4.3.1 Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

4.3.2 Retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction. Opportunities to live in these centres, combined with their good public transport links, make them the most sustainable places.

4.3.3 The Welsh Government identifies a number of overarching objectives for retail and commercial centres, which planning authorities should aim to deliver through their development plan and development management decisions ensuring their maximum contribution to the well-being goals. The planning system must:

- promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- improve access to, and within, retail and

commercial centres by all modes of transport, prioritising walking, cycling and public transport.

4.3.6 Retail and commercial centres will experience growth and decline, and development plans should identify these changing retail pressures and opportunities and devise appropriate responses to them in their retail strategies. In some situations it may be necessary to take pro-active steps to identify retail and commercial centre locations for expansion. In others it may be necessary to identify measures to reinvigorate centres or to manage a change in the relative importance of a centre as other centres' roles expand. Strategies and supporting policies should be based on robust evidence.

6.1.4 The Ancient Monuments and Archaeological Areas Act 1979, Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment (Wales) Act 2016 provide the legislative framework for the protection and sustainable management of the historic environment in Wales. PPW provides the national planning policy framework for the consideration of the historic environment and this is supplemented by guidance contained in Technical Advice Note 24: The Historic Environment¹⁰¹ and Cadw associated best practice guidance on the historic environment.

6.1.23 The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not.

6.6.22 The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

6.6.24 Development Advice Maps enable planning authorities to take a strategic approach to flood risk and consider the catchment as a whole by providing a preliminary representation of flood risks, which inform decisions on the location of new development and the requirements necessary to support any applications which may be proposed.

5.3 Technical Advice Notes

- Technical advice note (TAN) 4: retail and commercial development
- Technical advice note (TAN) 5: nature conservation and planning
- Technical advice note (TAN) 15: development and flood risk (2004)
- Technical advice note (TAN) 23: economic development
- Technical advice note (TAN) 24: the historic environment

5.4 The Ancient Monuments and Archaeological Areas Act 1979

An Act to consolidate and amend the law relating to ancient monuments; to make provision for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters; to provide for the recovery of grants under section 10 of the Town and Country Planning (Amendment) Act 1972 or under section 4 of the Historic Buildings and Ancient Monuments Act 1953 in certain circumstances; and to provide for grants by the Secretary of State to the Architectural Heritage Fund.

5.5 Newport Local Development Plan (2011-2026)

- SP1 Sustainability
- SP3 Flood Risk
- SP12 Community Facilities
- SP18 Urban Regeneration
- SP19 Assessment of Retail Need
- GP2 General Amenity
- R1 City Centre Schemes
- R4 Non-Retail Uses in Other City Centre Shopping Areas

6. **CONSULTATION RESPONSES**

- 6.1 Local Highways Authority: From a highways' perspective, the proposed uses are all considered suitable for a city centre with shared car parking and high levels of sustainable travel.

In terms of trip generation/parking and servicing the existing uses are considered to be onerous, therefore no adverse impact is anticipated.

- 6.2 Environmental Health Officer: No response received.

- 6.3 Senior Scientific Officer: No response received.

- 6.4 Waste Manager: No response received.

- 6.5 Drainage: No response received.

- 6.6 Principal Heritage Officer: No response received.

- 6.7 Natural Resources Wales:

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes the retention of less vulnerable development. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 (Sea).

Given the nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. We would also expect the developer to take the opportunity to incorporate flood resilient design where feasible.

Guidance on resilient design can be found in Chapter 13 of Technical Advice Note 15: Development, flooding, and coastal erosion (2025), which references advice from Construction Industry Research and Information Association, including a Code of Practice and Guidance for Property Flood Resilience.

We provide advice on our website Natural Resources Wales / Preparing for a flood which may be useful for the developer or occupant of the proposal.

Protected Sites

The application site is located within 200m of the River Usk Special Area of Conservation (SAC). From the information provided, we consider the proposal may affect the SAC and have identified pollution as a potential impact pathway to features of the site.

However, we consider the above pathway will not result in an adverse effect if the developer adheres to standard pollution prevention guidelines. Further information on standard pollution prevention guidelines is provided under the 'Advice for the developer' section below.

The application site is located within 200m of the River Usk (Lower Usk Site of Special Scientific Interest (SSSI)). We consider the proposals have the potential to impact upon the SSSI. Providing the impact pathway referenced above for the SAC is adequately addressed, we consider the features of the SSSI will also be adequately safeguarded.

- 6.8 Dwr Cymru Welsh Water: No response received.

- 6.9 Gwent Police: No objections to the proposal, recommendations made.

7. PUBLIC REPRESENTATIONS

- 7.1 NEIGHBOURS: The application was advertised by direct neighbour notification letter and site notice. Two responses were received as follows:

- *I'm in the middle of setting up a small business in Newport, and I've got to say, the changes proposed at the Kingsway Centre are a breath of fresh air. It's been tough seeing the city centre go quiet over the years, but this feels like a real step in the right direction. An opportunity to raise footfall with new attractions, furthered by the opportunity to create more employment for the city of Newport.*
- *This city needs fantastic revitalisation projects having spoken with the team at Kingsway of their plans and the businesses opening in there including one of my own, I believe that this will only help in bring people back into the city centre.*

7.2 COUNCILLORS: Local members were consulted by direct neighbour notification letter. No responses were received.

7.3 Following initial assessment of the proposal, the application was advertised as a Departure from the Development Plan by way of Press and Site Notice. No responses were received.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site forms part of an existing shopping centre within the defined City Centre Shopping Area as shown on the Proposals Map that accompanies the LDP. In addition, the site includes areas of Secondary Shopping Frontage.

Due to the nature and location of the proposal LDP Policies SP18, SP19, R1, R3 and R4 are applicable in establishing the principle of development.

8.1.2 Policy SP18 (Urban Regeneration) provides a positive framework for regeneration schemes within the urban area subject the proposal contributing to the following criteria:

- i) *THE VITALITY, VIABILITY AND QUALITY OF THE ENVIRONMENT OF THE CITY CENTRE;*
- ii) *THE PROVISION OF RESIDENTIAL AND BUSINESS OPPORTUNITIES WITHIN THE URBAN AREA;*
- iii) *REUSE OF VACANT, UNDERUSED OR DERELICT LAND;*
- iv) *ENCOURAGE THE DEVELOPMENT OF COMMUNITY USES WHERE APPROPRIATE.*

8.1.3 The proposed development seeks additional flexibility regarding the use of the site. The uses sought are considered to be appropriate within the centre and would contribute to its vitality and viability by expanding the offering from solely retail. The expanded uses would allow for business opportunities within the centre as well as new community facilities. Several of the units within the site are currently vacant and the proposal would assist in encouraging their further development and re-use. Accordingly, the proposal is considered to meet the criteria of SP18.

8.1.4 Policy SP19 (Assessment of Retail Need) outlines that retail and associated uses are best located within the city centre and outlines the criteria that will need to be satisfied if proposed to be located elsewhere. In this case no conflict with the policy has been identified given the location of the proposal within the defined centre and as the policy cites "associated uses" as being acceptable within this area. The supporting text of the policy expands upon the point of providing a mix of uses within the centre:

"2.82 Providing a good mix of uses in the City Centre is an important factor in achieving a vibrant and attractive City Centre. Planning Policy Wales (Edition 7, 2014) establishes that uses which need to be accessible to a large number of people are best located in town centres. Other associated uses best located in the City Centre could include tertiary and higher education facilities, central libraries, central and local government offices and larger A3 uses such as family restaurants. Such uses need to be accessible to a large number of people and therefore have the potential to impact on the attractiveness of the City Centre if located elsewhere. The Council will require a sequential approach to be taken to such proposals and, where required, and assessment of need undertaken".

8.1.5 Given the above, no conflict has been identified in relation to SP19.

8.1.6 Policies R1 (City Centre Schemes) and R4 (Non-Retail Uses in Other City Centre Shopping Areas) provide a positive framework for the development that will enhance the city centre offering. For areas of the site that are not defined as Secondary Shopping Frontage, Policy R4 provides the following criteria for schemes to be assessed against:

- i) THE PROPOSED DEVELOPMENT WOULD NOT ADVERSELY AFFECT LOCAL RESIDENTIAL AMENITY, EITHER IN ITS OWN RIGHT OR CUMULATIVELY WITH OTHER USES;
- ii) ANY ANTICIPATED ENVIRONMENTAL DISTURBANCE CAN BE EFFECTIVELY MITIGATED THROUGH THE USE OF PLANNING CONDITIONS OR NOISE ABATEMENT ZONE CONTROLS;
- iii) THE DEVELOPMENT IS ACCESSIBLE IN TERMS OF PUBLIC TRANSPORT PROVISION, AND ASSOCIATED PEDESTRIAN MOVEMENT FOLLOWING OPERATING HOURS WILL NOT BE DIRECTED THROUGH RESIDENTIAL AREAS.

8.1.7 In this case, due to the nature of uses sought, it is not considered that proposal would adversely impact upon the residential amenity of local residents, subject to imposition of relevant conditions. This point is expanded upon in a later section of this report. Furthermore, due to the central location of the proposal it would be easily accessible by sustainable and public modes of transport. Accordingly, no conflict with the requirements of R1 or R4 have been identified.

8.1.8 Policy R3 (R3 Non-Retail Uses in Secondary City Centre Shopping Areas) is also applicable to this proposal and states the following:

PROPOSALS FOR NON-RETAIL USES IN NEWPORT CITY CENTRE AT GROUND FLOOR LEVEL IN THE SECONDARY FRONTAGES IDENTIFIED WILL BE PERMITTED PROVIDED THAT:

- i) THE PROPOSAL, EITHER ON ITS OWN OR IN CONJUNCTION WITH ADJOINING UNITS, WOULD NOT RESULT IN A BREAK IN THE RETAIL FRONTAGE OF MORE THAN 20 METRES;
- ii) THE PROPOSAL WOULD NOT RESULT IN A GAP IN THE RETAIL FRONTAGE OF MORE THAN 2 UNITS;
- iii) AT LEAST 60% OF ANY FRONTAGE LENGTH IS MAINTAINED IN RETAIL USE;
- iv) THE PROPOSAL DOES NOT INVOLVE A PROMINENT OR CORNER UNIT;
- v) THE PROPOSED DEVELOPMENT WOULD NOT ADVERSELY AFFECT LOCAL RESIDENTIAL AMENITY, EITHER IN ITS OWN RIGHT OR CUMULATIVELY WITH OTHER USES;
- vi) ANY ANTICIPATED ENVIRONMENTAL DISTURBANCE CAN BE EFFECTIVELY CONTROLLED THROUGH THE USE OF PLANNING CONDITIONS OR NOISE ABATEMENT ZONE CONTROLS;
- vii) THE DEVELOPMENT IS ACCESSIBLE IN TERMS OF PUBLIC TRANSPORT PROVISION, AND ASSOCIATED PEDESTRIAN MOVEMENT FOLLOWING OPERATING HOURS WILL NOT BE DIRECTED THROUGH RESIDENTIAL AREAS.

8.1.9 Criteria v), vi) and vii) of Policy R3 replicate the criteria of Policy R4 and have been addressed above. Whilst the percentage of units within the shopping centre may remain at a level that would enable the proposal to be compliant with criteria i), ii) and iii) following the change of use proposed, it is acknowledged that they also may not. As such, by granting permission for the change of use proposed, the Local Planning Authority must acknowledge that it would be allowing non-compliance with Policy R3. On this basis, the application has been advertised as a departure from the Development Plan.

8.1.10 Further to the above, it is also noted that PPW12 and Future Wales adopt a Town Centres First approach with much of the rationale grounded in providing services and facilities in sustainable, accessible locations in accordance with the requirements of the aforementioned policies of the LDP. Policy 6 (Town Centre First) identifies that *“good planning can help us re-think the future of town and city centres, which are moving away from their traditional retail roles. The impact of COVID-19 on the retail sector is a further driver towards making our town*

centres multi-functional places. Town centres remain important focal points of communities and are increasingly becoming places to live, centres of community and cultural activity, a focus for public services such as health and education, and the location of new co-working spaces. They are more than the extent of designated retail areas". Accordingly, as the proposal would provide flexibility in respect of the use of the site the application is considered to accord with the requirements of both PPW and Future Wales.

- 8.1.11 Notably, the study *Checking out: The varying performance of high streets across the country* (Paul Swinney, Oscar Selby and Luka Kovacevic July 2025) concludes that Newport has one of the highest shop vacancy rates in its city centre and indicates that *"places like Newport, Wigan and Middlesbrough have much higher amounts of retail space relative to their catchment size than Brighton and Milton Keynes"*, explaining that:

"The centre of Newport has both the highest vacancy rate and the largest amount of retail space per head of catchment of any centre in this report. The local authority reports though that this has improved over the last year in particular. After having remained constant for around a decade, the vacancy rate has fallen by around 20 per cent, with much of the change the result of start ups taking up space. Footfall is up too – in the first quarter of this year, it was 10 per cent higher than in the first quarter of 2019. The council recognises though that there is an oversupply of commercial space. Its challenge is to find a new use for space on peripheral streets in the centre and better match the size of its centre to the size of the city overall. It does also note though that when looking at occupancy rather than vacancy, its 400 occupied units puts it on par with Milton Keynes. This is something the oversupply of space masks."

- 8.1.12 In summary, the proposal is largely compliant with both local and national planning policies in so far as they relate to the change of use proposed. Whilst it is acknowledged that the proposal is not fully compliant with Policy R3, in this instance, given the higher than average shop vacancy rates in Newport city centre and the revitalisation and regeneration benefits that the scheme has the potential to bring about, the proposal is considered to be acceptable in principle.

8.2 **Flooding/Flood Risk/Drainage**

- 8.2.1 Natural Resources Wales Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 (Sea).
- 8.2.2 The proposed development seeks consent for a change of use from an existing retail/commercial use to other commercial uses, therefore retaining less vulnerable development. On this basis, it is not considered that that the application would increase flood risk at the site or elsewhere.
- 8.2.3 NRW have been consulted on this application and raise no objection in relation to flooding/flood risk subject to the applicant being made aware of potential flood risks and advised to install flood-proofing measures as part of the development. Such communication can be included within an informative attached to a decision notice for planning consent.
- 8.2.4 Due to the extent of the development proposed the Local Authorities Drainage Engineer has been consulted on this application, no response has however been received from them.

8.3 **Visual Amenity/ Character and Appearance**

- 8.3.1 The proposed development does not include any physical external alterations, therefore, it is not considered that a different visual impact would arise.
- 8.3.2 In terms of the change of use the proposal has the potential to impact upon the character of the area. It is not contested that the change of use from retail would have a different impact in respect of the character of the area as character is not limited to the built environment but also encompasses how a place is used/functions. It is however widely accepted that the character of city and town centres is changing and moving away from the primary function as a space for retail. Furthermore, the proposal would allow for increased flexibility in terms of use and is considered to support the aims of providing a varied offering. Given its location it is considered that the site is suitable to accommodate the increased range of uses.

8.4 Residential Amenity:

8.4.1 The potential introduction of the additional uses would impact on how the place functions, which in turn would impact upon local residents differently when compared to the existing use of the shopping centre. Therefore, in order to protect the living conditions of neighbouring occupiers it is considered appropriate to condition that should an A3 or D2 use commence on site, further details in respect of noise impact/mitigation, opening hours and fume extraction are submitted to the Local Planning Authority for approval prior to that use commencing.

8.5 Highway Safety/Parking/Pedestrian Access

8.5.1 The proposed alterations would have no impact in respect of the existing parking provision therefore no concern is raised in this regard. In terms of trip generation to/from the site it is hoped that this application will provide an uplift in respect of visitors, however, given the existing parking provision serving the city centre and its highly sustainable location well served by sustainable and public modes of transport no objection is raised in this respect.

8.5.2 The Councils Highways Officer has been consulted on this application and raises no objection to the proposed development in respect of highway safety or impact upon parking/trip generation.

8.5.3 When considering pedestrian accessibility, the site is easily accessible from a number of points, namely Emlyn Walk that extends off Commercial Street. Whilst there is no detail at present as to what the internal reconfiguration would be it is considered that there are existing suitable access/egress points for pedestrians.

8.6 Biodiversity:

8.6.1 Policies SP9 and GP5 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales.

8.6.2 The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and nature of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests. However, the Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change, therefore to accord with the requirements of National Planning policies development must demonstrate a net-benefit for biodiversity informed by a Green Infrastructure Statement that follows the DECCA principles shown on the stepwise approach contained within Chapter 6 of PPW12.

8.6.3 In this case, the submission includes Provisional Biodiversity Enhancements which suggest the incorporation of the installation of bird boxes appropriate to local species, the provision of insect hotels, and/or the introduction of pollinator-friendly planting in areas deemed to be appropriate. As there is opportunity to provide biodiversity enhancements as part of the wider scheme, it is considered appropriate to secure them by way of condition.

8.6.3 It is noted that the application site is located within 200m of the River Usk Special Area of Conservation (SAC) and the River Usk (Lower Usk Site of Special Scientific Interest (SSSI)). NRW have been consulted on the proposal, commenting that from the information provided, they consider the proposal may affect the SAC and have identified pollution as a potential impact pathway to features of the site. Notwithstanding this, NRW have advised that the above pathway will not result in an adverse effect if the developer adheres to standard pollution prevention guidelines. It is considered that this would also safeguard the SSSI. As such, an informative is recommended to be included on any grant of consent to advise the applicant of their duty to prevent pollution.

8.7 Heritage:

8.7.1 The application site is located outside of, but adjacent to the boundary of the Town Centre Conservation Area (CA) and is within relative close proximity of a number of Listed Buildings (LB's). Given that the proposal will result in a change of use of the building from one commercial use to another and that no external physical alterations are sought through this

application, the grant of consent is not considered to result in any unacceptable adverse impact upon the CA, LB's or other non-statutory heritage assets within the vicinity.

8.7.2 For completeness the proposal has been considered against The Historic Environment (Wales) Act 2023, which required development to preserve or enhance the historic environment/assets. In this instance the proposal is considered to have a neutral impact upon the setting of the CA and LB's.

8.7.3 The Council's Heritage Officer has been consulted on this application and raises no objection.

8.8 Archaeology:

8.8.1 The application site is within an Archaeological Sensitive Area, however as the proposal is limited to the use of the land and does not include any groundworks/physical alterations it is considered that any archaeological interest would be uninterrupted as a result of the development.

8.9 Waste:

8.9.1 The application site forms part of an existing shopping centre where waste is managed in accordance with the Waste Separation Requirements (Wales) Regulations 2023 informed by Section 45AB(4)(b) of the Environmental Protection Act 1990. However, as the use classes will expand on site and as waste generation/nature could significantly change it is considered necessary for details of waste storage/management to be submitted for approval by the LPA. Therefore a condition to this effect shall be attached to any planning consent.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh Language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

- 10.1 The proposed development would provide greater flexibility for a large retail unit within the city centre. Whilst it is acknowledged that the proposal would not fully comply with Policy R3 of the LDP, it does comply with the overarching aims and objectives of both Local and National Planning Policy in respect of supporting City Centres as vibrant multiuse areas. The proposed development would not prejudice the role of the City Centre, residential amenity or the character of the area and accordingly, this application is recommended for approval subject to conditions.

11. DECISION

GRANTED WITH CONDITIONS

- 1 The development shall be implemented in accordance with the following plans and documents: Site Location Plan, 24006 PL 011 – Proposed Lower Ground Floor, 24006 PL 012 – Proposed Ground Floor, 24006 PL 013 – Proposed First Floor and Roof Plan, received by the Local Planning Authority on 29th April 2025.
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.
- 2 Prior to any conversion, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policies GP2 and W3 of the Newport City Council Local Development Plan.
- 3 Prior to any conversion, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be implemented in accordance with the approved plans prior to the first beneficial use of the development hereby approved and retained as such for the lifetime of the development.
Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).
- 4 Prior to the conversion of any part of the site to a use falling within Use Class A3 or D2, as defined by the Town and Country Planning (Use Classes Order 1987 (as amended) (or any Order revoking or re-enacting that Order), details of opening hours shall be submitted to and approved in writing by the Local Planning Authority. These uses shall operate in accordance with the approved hours.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport City Council Local Development Plan.
- 5 Prior to the conversion of any part of the site to a use falling within Use Class A3 or D2, as defined by the Town and Country Planning (Use Classes Order 1987 (as amended) (or any Order revoking or re-enacting that Order), details of the scheme including anticipated noise levels and a scheme for sound insulation works shall be submitted to

and approved in writing by the Local Planning Authority. These uses shall operate in accordance with the approved hours.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport City Council Local Development Plan.

- 6 If at any time any part of the premises is to involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and deodorising filters. Details of the above equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be retained in accordance with the approved details.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities.

NOTE TO APPLICANT

- 1 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 2 Natural Resources Wales: In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development.

These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to our website for further advice and guidance is available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found here. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found here.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. The developer is advised to install flood proofing measures. Further information can be obtained from the ODPM publication "Preparing for Floods" via the Planning Portal website at www.planningportal.gov.uk.

All works at the site must be carried out in accordance with Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites, which are available on the NetRegs website. During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

- 3 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.